

November 16, 1973

Mr. J. S. Sorrow, Administrator
Environmental Affairs & Safety
Colonial Pipeline Company
3390 Peachtree Road N.E.
Lenox Towers
Atlanta, GA 30326

Dear Mr. Sorrow:

This is in reply to your letter of October 18, 1973, regarding some questions concerning the proper interpretation of ??195.412 and 195.43 [sic] of Title 49 of the Code of Federal Regulations.

Your first inquiry was regarding ?195.412, in which you asked for a definition of "navigable waterway" and also asked what constitutes an acceptable "inspection."

Navigable waters or waterways include those waterways which have been designated as being navigable by Part 2 of Title 33 of the Code of Federal Regulations.

The term "navigable waters of the United States" is defined in Subpart 2.10-5 of 33 CFR where it states that

"...navigable waters of the Untied States shall be construed to mean those waters of the United States, including the territorial seas adjacent thereto, the general character of which is navigable, and which, either by themselves or by uniting with other waters, form a continuous waterway on which boats or vessels may navigate or travel between two or more States, or to or from foreign nations...."

Navigable waters of the United States which have been the object of special determinations by the Coast Guard are enumerated in Subparts 2.21 et seq. The listings in those parts do not purport to be a complete listing of all such waters, but rather are only listings of those internal waters of the United States which have been the subject of determinations by the Coast Guard. There are numerous other waterways which historically have been considered navigable waters of the United States and are by common knowledge considered to be navigable waters.

As to your question regarding an acceptable "inspection," any of the inspections that you suggest in your letter would be acceptable, as long as these inspections can with reasonable reliability determine the condition of the crossing. The

inspection of these crossings should, as a minimum, determine if there is still cover on a pipeline, and, where it is determined

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that the pipeline is uncovered, whether there is debris or other objects hanging on it that would make the pipeline crossing precarious.

A record of each inspection of a waterway crossing will be required and each company should compare the most recent inspection with previous inspections for any changes in crossing conditions. This record together with a record of any remedial or repair action taken to correct an unsatisfactory condition must be kept for the useful life of the pipeline.

Your next inquiry was regarding 195.434, in which you asked for a definition of the words "around," "visible," and "visible to the public," as used therein. The term "around" means in the general vicinity, not necessarily on all prominent sides, of the pumping station, terminal, or tank farm located in places where they would be seen, and not easily missed, by the public. This, however, does not mean that signs are only required adjacent to public roads, lands, or waterways. They must also be located adjacent to privately owned property if a person approaching the facilities from the direction would not be able to see and read the other signs. "Visible" means that the sign must be readily discernable to the human eye at a reasonable distance. We cannot categorically determine if more than one sign would be required on a lengthy side or where hills or other obstructions are involved and, if so, on what spacing. The pipeline carrier must evaluate each particular situation and assure himself that the signs have been placed in such locations as will make at least one of the posted signs readily visible to a person approaching the plant facilities from that general direction.

We trust that this has answered your particular questions. If we can be of further service, please let us know.

Sincerely,

Joseph C. Caldwell
Director
Office of Pipeline Safety